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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------|------------------|
| 10/676,878 | 09/30/2003 | Bretton Lee Douglas | CISCO-7203 | 8091 |
| 21921 | 7590 | 02/23/2005 | EXAMINER | |
| DOV ROSENFELD 5507 COLLEGE AVE SUITE 2 OAKLAND, CA 94618 | | | VINCENT, DAVID ROBERT | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2661 | |

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/676,878 | Applicant(s) DOUGLAS ET AL. | |
| | Examiner David R Vincent | Art Unit 2661 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,17,21,22,28,29,38,39,48 and 49 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/17/04; 1/06/05</u> | 6) <input type="checkbox"/> Other: ____ |

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Claim Objections

1. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

2. Claims 1-57 are objected to because of the following informalities:

For example: the claims would be a lot more clear if the applicant used terms such as base station or access point (in the independent claims) and mobile or used terms such as first device, second device, first cell, second cell, etc.

However, the applicant was justified using the terms wireless station even if it lead to confusion. It is suggested that the applicant consider changing the terms, which refer to the various transmitters and receivers.

Claim 1, reading the claims in light of the disclosure, one can reason that the term "wireless station" reads on an access point/fixed node or base station. However, since the claims are confusing, as set for above, claims 1, and 28 read as if there are two access points inside one cell because of the phrase e.g., "another

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station of the cell". The drawings do not disclose two or more access points inside one cell and claim 3 specifies, the cell is an infrastructure having AN access point implying one and only one AP.

Claim 1 specifies "each transmitting station" and the applicant may wish to change this to "each mobile station".

Claim 3 specifies, "the station is an access point" this appears to multiple antecedent basis and should be changed to e.g., "said wireless station is an access point".

Claim 3 specifies, "to the other stations of the cell" and applicant may wish to change this to "to the other mobile stations".

Claim 3 specifies, "in packets such other stations transmit" which is not clear. Maybe the applicant wanted to specify, "in packets that other stations transmit".

Claim 4 specifies the transmitting uses the MAC layer protocol. However, the applicant may want to clarify this because the MAC layer is NOT the physical layer as specified in the independent claims.

Claim 21 specifies, "the transmitted including" which may need to be changed to "the transmitted packet including".

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Claim 21 specifies, "of the same cell as that of the other station" which may need to be changed to "of the same cell as that of another station" or "of the same cell as that of a mobile other station".

Claim 27 specifies, "encoded and for identification" which may need to be changed to "encoded for cell identification", and "such that field of a packet" which may need to be changed to "such that the field of a packet".

Claim 28 specifies, "station able be part of a cell a cell" and most likely needs to be changed to "station able to be part of a cell", and "able to ascertaining" which should be "able to ascertain".

Claim 48 specifies, "station configurable be part of" which may need to be changed to "station that is configurable to be part of".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international

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application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 5, 17, 21-22, 28-29, 38-39, 48-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Richardson (US 6,804,191).

Richardson discloses an access point, wireless station (Base station BS, 110, Fig. 2; 202, Fig. 4, and respective disclosure), transmitting or other stations (mobiles, wireless terminals 112, Fig. 2; 302, Fig. 5 and respective disclosure), ascertaining at the physical layer (physical interface between two devices) whether or not the a packet (e.g. packets going to/from Internet, 220, Fig. 4 and respective disclosure, e.g., col. 3, lines 55-57) received from another station includes a cell ID, aborting if does

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not have a transmission from the correct cell, and transmitting to other stations (BS ID, col. 3, lines 14-21; col. 3, lines 56-64; col. 4, line 63-col. 5, line 9; col. 5, line 58-col. 6, line 27) wherein there is a first number of bits (bits or symbols) for cell ID (e.g., col. 5, line 58-col. 6, line 27), as specified in claims 1-3, 5, 17, 21-22, 28-29, 38-39, 48-49.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R Vincent whose telephone number is 571 272 3080. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571 272 3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 2/21/05
David R Vincent
Primary Examiner
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February 21, 2005